IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 9740 of 2006(H)

PETITIONER:

P.P. JOHN, AGED 61 YEARS,
S/O. P.S. PYLI, ASSISTNT CONSERVATOR OF
FORESTS (RETIRED), PUTHENKUDIYIL HOUSE,
IRINGOLE P.O., PERUMBAVOOR.

BY ADV. SRI.P.V.MOHANAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
PRINCIPAL SECRETARY, FOREST AND
WILD LIFE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. PRINCIPAL CHIEF CONSERVATOR OF
FORESTS, FOREST HEADQUARTERS,
VAZHUTHACAUD, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.P. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 9740 of 2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT-P1:	TRUE COPY OF PROCEEDING NO.B-23446/04 DATED 25.4.1995
EXT-P2:	TRUE COPY OF PROCEEDINGS NO.PR/10/RCAA/1043/AM/2000-2001/244 DATED 30.5.2000
EXT-P3:	TRUE COPY OF PROCEEDINGS NO.F.1 42429/98 DATED 23.6.2000
EXT-P4:	TRUE COPY OF G.O (RT) NO.17/2003/F AND WLD DATED 01.01.2003
EXT-P5:	TRUE COPY OF REPRESENTATION DATED 16.7.2003
EXT-P6:	TRUE COPY OF PROCEEDINGS NO.TSPI-30/98 DATED 1.3.2004
EXT-P7:	TRUE COPY OF JUDGMENT IN WP (C) NO.39117/03 DATED 26.4.2005
EXT-P8:	TRUE COPY OF JUDGMENT IN W.A NO.2157/2005 DATED 8.11.2005
EXT-P9:	TRUE COPY OF PROCEEDINGS NO.PR 10/Pen A/1043/AM/00-01/942
EXT-P10:	TRUE COPY OF PROCEEDING NO.10672/A1/98 F AND WLD DATED 13.8.2001
EXT-P11:	TRUE COPY OF EXPLANATION DATED 19.9.2001
EXT-P12:	TRUE COPY OF G.O (Rt) NO.302/2003/F AND WLD DATED 24.7.2003
EXT-P13:	TRUE COPY OF REVIEW PETITION DATED 10-10-2003
EXT-P14:	TRUE COPY OF AFI - 2429/1998 DATED 16.1.2006
EXT-P15:	TRUE COPY OF PROCEEDING NO.B8/16836/03 DATED 17.03.2006

/TRUE COPY/

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 9740 OF 2006-H

JUDGMENT

The petitioner retired from the Forest Department on superannuation on 29.02.2000, while working as Assistant Conservator of Forests. Because of the pendency of disciplinary proceedings against him, the terminal benefits due to him were not released. By Ext.P4 order dated 9.1.2003, he was granted Senior Grade in a vacancy that arose with effect from 1.9.1995. He was given the benefit of that order only with effect from the date of that order. To redress the above two grievances, this writ petition was filed. Now, the Government have issued Ext.P15 order, produced along with I.A.No.8314/2007, closing the disciplinary proceedings against the petitioner. In view of the above position, he is entitled to get full pension and D.C.R.G. He was drawing only provisional pension, it is submitted.

2. The claim of the petitioner in this regard shall be settled by the respondents and the D.C.R.G and arrears of pension shall be released within three months from the date of production of a copy of this judgment.

3. Regarding the grant of Senior Grade to him in Ext.P4 order, as stated earlier, the petitioner is aggrieved by the refusal to give retrospective effect to that order. He points out that the juniors of him, who were granted Senior Grade as per Ext.P4, have approached this Court and this Court by Ext.P7 judgment disposed of the said writ petition, issuing the following directions:

> "19. In the above facts and circumstances the Original Petition is allowed. Ext.P8 is quashed to the extent it restricts the payment of monetary benefits to the petitioners on the basis of notional fixation of senior grade from the date of that order viz., January 9, 2003. The petitioners shall be entitled to get the pay attached to the higher grade with effect from the respective dates on which each of them was given promotion as indicated in the list appended to Ext.P8. Respondents shall disburse the entire arrears payable to them within a period of four months from the date of receipt of a copy of this judgment. In the peculiar facts and circumstances the petitioners shall not be entitled to get any interest on the arrears."

The petitioner also points out that the said judgment has been affirmed by the Division Bench of this Court, by Ext.P8 judgment. If that be so, the petitioner is also entitled to get the benefit of those judgments. Accordingly, the claim of the petitioner for Senior Grade with retrospective effect and consequential benefits, including arrears of

salary, shall be considered by the respondents and orders passed in the light of Exts.P7 and P8 judgments within three months from the date of production of a copy of this judgment. The amounts found due shall be released to the petitioner immediately thereafter.

The Writ Petition is disposed of as above.

20th July, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/